



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 04425-10
22 February 2011

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 February 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

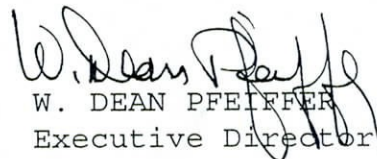
You enlisted in the Navy on 21 September 2005. It appears your enlistment was fraudulent, in that you concealed your disqualifying history of drug abuse, suicide attempts and psychiatric hospitalizations. On 13 April 2009, you were separated under honorable conditions by reason of misconduct/commission of a serious offense.

The Board was not persuaded that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your naval service. It noted that you would not have been entitled to disability separation or retirement even if you had been unfit for duty, because your discharge by reason of misconduct would have taken precedence over disability evaluation processing. In addition, the Board concluded that in view of the fraudulent nature of your

enlistment, it would not be in the interest of justice under any circumstances to correct your record to show that you were separated or retired with entitlement to disability benefits administered by the Department of the Navy. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge to honorable, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director